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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

EUGENE GENCHEV, Plaintiff, vs. DETROIT DIESEL CORPORATION, Defendant.	Case No.: 08-01021-W-NLS MOTION FOR CONTINUANCE OF PLAINTIFF'S TIME TO RESPOND TO DEFENDANT'S MOTION TO DISMISS OR FOR SUMMARY JUDGMENT

This action was originally filed in San Diego Superior Court. Defendant removed this case to this Court on June 6, 2008.

On June 13, 2008, Defendant served a motion to dismiss, or in the alternative for summary judgment. On June 16, 2008, Defendant served a Notice Of Errata in support of the motion.

The hearing date of the motion is currently set for July 21, 2008. There are no other hearings or deadlines set in this case. Plaintiff requests the Court continue the motion hearing from July 21, 2008 to August 4, 2008 with a corresponding continuance of Plaintiff's time to respond to the motion.

Plaintiff has been diligently working on the response, but requests a continuance of two (2) weeks of the hearing date because Defendant simultaneously made two motions to which Plaintiff must respond (including a motion for summary judgment which requires an extensive response with a supporting client declaration), and due to the July 4th holiday. Plaintiff has not been available to execute a declaration in opposition to the motion as a result of the July 4th holiday. In addition, counsel for Plaintiff normally would have been able to work on the motion response on the Thursday, Friday, Saturday and Sunday before the motion response was due on Monday, July 7th, but was not able to do so because of a vacation by Plaintiff's counsel for the July 4th holiday.

Counsel for Plaintiff has attempted to meet and confer with counsel for Defendant regarding the motion. Counsel for Defendant is willing to agree to a one (1) week continuance of the hearing date but not a two (2) week continuance. Counsel for Plaintiff indicated to counsel for Defendant that the additional time was needed by Plaintiff to fully and properly respond to the motion for the reasons set forth above, but counsel for Defendant would not agree to a two (2) week continuance of the hearing date (which is not a full two week continuance of the time for Plaintiff to respond if the papers are served by mail since counsel for Defendant is located in Los Angeles).

Dated: July 7, 2008

LAW OFFICES OF DOUGLAS JAFFE

s/_ Douglas Jaffe__________________

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CERTIFICATE OF SERVICE

I am over the age of 18 years and not a party to or interested in the within entitled action. My business address is 402 West Broadway, 4th Floor, San Diego, California 92101.

On July 7, 2008, I electronically filed the foregoing

MOTION FOR CONTINUANCE OF PLAINTIFF'S TIME TO RESPOND TO DEFENDANT'S MOTION TO DISMISS OR FOR SUMMARY JUDGMENT

with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

Lisa Kralik Hansen, Esq.
Grace, Cosgrove & Schirm
444 S. Flower Street, Suite 1100
Los Angeles, California 90071

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on July 7, 2008 at San Diego, California.

LAW OFFICES OF DOUGLAS JAFFE

s/_ Douglas Jaffe__________________

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